

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

**In re:**

**PAUL R. LANGENBACK,  
Debtor.**

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**Case No. 22-10118  
Chapter 13**

**OBJECTION TO CLAIM OF U.S. BANK TRUST NATIONAL ASSOCIATION,  
AS TRUSTEE OF THE DWELLING SERIES IV TRUST, CLAIM NO. 3**

Debtor, Paul R. Langenback, by and through his attorney, Rebecca A. Rice, Esq., objects to the amount of the Claim of U.S. Bank Trust National Association, as Trustee of the Dwelling Series IV Trust, Claim No. 3, as the amount of the debt owed was limited to the amount due on November 18, 2018, based upon the Mortgagee's failure to proceed with its foreclosure action in a timely manner as set forth in the May 10, 2022 Order of the Bennington Superior Court (attached hereto as Exhibit 1).

On October 8, 1999, Paul Langenback and Debra Langenback executed a Note and Mortgage in favor of Ameriquest Mortgage Company, which was recorded at Book 56, Page 464 of the Town of Stamford Land Records. The principal amount of the note was \$80,000.00 and the interest rate was 12.5%. Although the Note was an adjustable rate note, the interest rate could never go below 12.5%. Exhibit A to Proof of Claim.

On June 17, 2008, Ameriquest Mortgage Company executed a Mortgage assignment to Lehman Capital, a division of Lehman Brothers Holdings, which was recorded at Book 79, Page 512 of the Town of Stamford Land Records. Exhibit D to Proof of Claim.

On August 24, 2015, Lehman Brothers Holdings, Inc. assigned the Mortgage to Christiana Trust, a division of Wilmington Savings Fund Society, FSB, as Trustee for Normandy Mortgage

Loan Trust, Series 2013-17, which assignment was recorded at Book 86, Page 484 of the Town of Stamford Land Records. Exhibit D to Proof of Claim.

At some point, the Promissory Note was endorsed by Ameriquest Mortgage Company to Christiana Trust, a division of Wilmington Savings Fund Society, FSB, as Trustee for Normandy Mortgage Loan Trust, Series 2013-17. Exhibit A to Proof of Claim.

On August 16, 2016, Christiana Trust, a division of Wilmington Savings Fund Society, FSB, as Trustee for Normandy Mortgage Loan Trust, Series 2013-17 assigned the Mortgage to Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, as Trustee for the Normandy Mortgage Loan Trust, Series 2015-1.

At some point Christiana Trust, a division of Wilmington Savings Fund Society, FSB, as Trustee for Normandy Mortgage Loan Trust, Series 2013-17, endorsed the promissory note in blank. Exhibit C to Proof of Claim.

From approximately 2008 on, Debtor attempted to either obtain a loan modification or pay off the note, but due to the note being held by Lehman Brothers, he was unable to find the appropriate persons to provide him with the necessary information.

On March 19, 2018, Wilmington Savings Fund Society FSB, D/B/A Christiana Trust, as Trustee for Normandy Mortgage Loan Trust, Series 2015-1, filed a foreclosure complaint against Paul R. Langenback and Debra E. Langenback and others in the Vermont Superior Court, Bennington Civil Division, Docket #98-3-18 Bncv.

Default Judgment was entered by the Bennington Civil Division on November 6, 2018, and a Judgment Order and Decree of Foreclosure was entered November 20, 2018. The total amount of the Judgment set forth in the Judgement was \$240,842.52. The period of redemption expired May 23, 2019, at which point, Wilmington Savings Fund Society FSB, D/B/A Christiana

Trust, as Trustee for Normandy Mortgage Loan Trust, Series 2015-1, was authorized to sell the property at Public Sale. Exhibit 2.

No further action took place in the case until February 9, 2021, when attorney Derek Castello entered his appearance for the Plaintiff and on February 15, 2021, when attorney Rachel Ljunggren withdrew as Plaintiff for counsel.

No further action was taken in the case until the Court issued an entry order as to the status of the case in December 27, 2021.

On January 3, 2022, Plaintiff filed a Response to the Court's Entry Order dated December 27, 2021, and advised the Court that the Note and the Mortgage had been transferred several times since the entry of judgment of foreclosure.

On January 13, 2022, the Court granted Plaintiff's Extend Time to File Motion to Substitute Party for sixty days.

The Motion to Substitute Party was filed on February 28, 2022.

On April 12, 2022, the Court allowed Plaintiff an additional 14 days to file its Motion to Amend Judgment.

On May 2, 2022, the Court scheduled a show cause hearing for failure to comply with the Order entered April 12, 2022.

On May 3, 2022, Plaintiff filed a Motion for Extension of Time to File Motion to Amend Judgment, and on May 10, 2022, Plaintiff file a Motion to Amend Judgment.

On May 10, 2022, the Court Granted in Part Plaintiff's Motion to Amend Judgment and Denied in Part Plaintiff's Motion to Amend Judgment. See Exhibit 1. The Court Granted Plaintiff's Motion to Substitute Party, but denied its Motion to Update the Amounts Owing, thus the Amount Due under the State Court's Order remains at the \$240,842.52.

For the forgoing reasons, this Court must determine that the amount of U.S. Bank Trust National Association, As Trustee of The Dwelling Series IV Trust, Claim No. 3, should be allowed in the amount of no more than \$240,842.52.

DATED at City of Rutland, Vermont this 28<sup>th</sup> day of November, 2022.

**PAUL R. LANGENBACK**

By: /s/ Rebecca A. Rice  
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